

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.986-2019 (O&M)
Date of Decision : 8.3.2019

Sohail Khan

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Lipika Dahiya Mamli, Advocate for
Mr. S.K Mamli, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.1620 dated 29.12.2018, under Sections 323, 341, 506 IPC registered at Police Station Jagadhari City, District Yamuna Nagar and all other consequent proceedings on the basis of compromise.

On 25.1.2019 the following order was passed :-

“This is a petition for quashing of the FIR on the basis of compromise. The parties through their counsel are directed to appear before the concerned CJM/Ilaqa Magistrate on 8.2.2019, who will record their statements with regard to the compromise on the said date or on any other convenient date. The Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in

any manner. The Magistrate is also directed to send a report, along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing.

Adjourned to 8.3.2019.”

Thereafter, the report of the Addl. Chief Judicial Magistrate, Yamuna Nagar at Jagadhri dated 20.2.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place voluntarily, out of their own volition and without any pressure, coercion and undue influence.

Learned State Counsel on instructions from IO Vinay Vivek, P.S City Jagadhari has also accepted this fact.

The Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the FIR No.1620 dated 29.12.2018, under Sections 323, 341, 506 IPC registered at Police Station Jagadhari City, District Yamuna Nagar and all consequential

proceedings arising therefrom are quashed qua the petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

8.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No